

Serial No. 10/657,524

Amdt. in Response to Office Action mailed June 22, 2009

UTILITY PATENT

B&D No. TN3481

REMARKS

Applicant has amended Claim 1.

Currently pending in the application are Claims 1-9 and 17-18.

The Examiner objected to Claims, 6-9 and 17-18 because of the phrase "disposed to" in Claim 1. In response, Applicant has amended Claim 1 as suggested by the Examiner.

The Examiner rejected Claims 1, 6-9 and 18 under 35 USC 102(b) as anticipated by EP 0 752 300 ("EP '300"). In addition, the Examiner rejected Claim 17 under 35 USC § 103(a) as being unpatentable over EP '300. Reconsideration and withdrawal of these rejections are respectfully requested.

EP '300 discloses a base for supporting a workpiece, a saw assembly connected to the base, and a fence assembly attached to the base and disposed to one side of the blade, the fence assembly comprising a fixed fence fixedly attached to the base and disposed on the one side of the blade, the fixed fence having a front portion, a rear portion with a substantially horizontal support surface and a channel between the front and rear portions, and a movable fence slidably connected to and removably connected to the fixed fence and disposed on the one side of the blade, the movable fence being linearly movable horizontally relative to the fixed fence along the channel, the movable fence defining a first support plane, at least one of the fixed fence and the movable fence for contacting the workpiece.

However, EP '300 does not disclose an auxiliary fence disposed behind the substantially horizontal support surface of the fixed fence. Instead, the Examiner alleges that the auxiliary fence is housing 40. Applicants believe such interpretation to be incorrect as a workpiece placed

SEP 18 2009

Serial No. 10/657,524

Amdt. in Response to Office Action mailed June 22, 2009

UTILITY PATENT

B&D No. TN3481

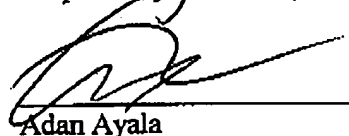
against housing 40 would not be completely cut through. This is because blade 16 cannot be moved at least partially behind housing 40 (see FIG. 1 of EP '300 showing the rearwardmost position of blade 16).

By contradistinction, Claim 1 calls for "the blade [being] movable to a position at least partially behind the auxiliary fence." Such arrangement allows a user to place a workpiece against the auxiliary fence when the movable fence is removed, and move the blade partially behind of the auxiliary fence to cut the workpiece, thus increasing the effective cutting capacity. Because EP '300 does not disclose such auxiliary fence, it cannot anticipate or render unpatentable Claim 1 and its dependent claims.

In view of the foregoing, Claims 1-9 and 17-18 are patentable and the application is believed to be in condition for formal allowance.

No fee is believed due. Nonetheless, the Commissioner is authorized to charge payment of any fees due in processing this amendment, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,



Adan Ayala
PTO Reg. No. 38,373
Attorney for Applicant

Adan Ayala - TW-199
The Black & Decker Corporation
701 East Joppa Road
Towson, Maryland 21286
(410) 716-2368